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PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND
ONE HUNDRED AND SEVENTY-FIFTH MEETING

Held at Headquarters, New York,
on Monday, 22 February 1993, at 11 a.m.

President:	Mr. SNOUSSI	(Morocco)
Members:	Brazil	Mr. DE ARAUJO CASTRO
	Cape Verde	Mr. BARBOSA
	China	Mr. CHEN Jian
	Djibouti	Mr. DORANI
	France	Mr. MERIMEE
	Hungary	Mr. ERDOS
	Japan	Mr. MARUYAMA
	New Zealand	Mr. O'BRIEN
	Pakistan	Mr. MARKER
	Russian Federation	Mr. VORONTSOV
	Spain	Mr. YAÑEZ BARNUEVO
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Ms. ALBRIGHT
	Venezuela	Mr. ARRIA

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The meeting was called to order at 12 noon.

ADOPTION OF THE AGENDA

The agenda was adopted.

ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA

LETTER DATED 10 FEBRUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL (S/25266)

LETTER DATED 16 FEBRUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF ITALY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL (S/25300)

LETTER DATED 18 FEBRUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF SWEDEN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL (S/25307)

The PRESIDENT (interpretation from French): I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina and Croatia in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Sacirbey (Bosnia and Herzegovina) and Mr. Nobilo (Croatia) took places at the Council table.

The PRESIDENT (interpretation from French): The Council will now begin its consideration of the item on the agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

(The President)

Members of the Council have before them the following documents: S/25266, letter dated 10 February 1993 from the Permanent Representative of France to the United Nations addressed to the Secretary-General; S/25300, letter dated 16 February 1993 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General; and S/25307, letter dated 18 February 1993 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General.

Members of the Council also have before them document S/25221, report of the Secretary-General on the activities of the International Conference on the Former Yugoslavia; document S/25274, letter dated 9 February 1993 from the Secretary-General addressed to the President of the Security Council; and document S/25240, letter dated 2 February 1993 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General.

Lastly, members of the Council have before them document S/25314, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall take it that that is the case.

There being no objection, it is so decided.

Before putting the draft resolution to the vote, I shall call on those members of the Council who wish to make statements before the voting.

Mr. de ARAUJO CASTRO (Brazil): Mr. President, allow me to begin by congratulating you on the able and effective manner in which you have been conducting the work of the Security Council. Allow me, also, to express our recognition to Ambassador Yoshio Hatano of Japan for his accomplishments as President of the Council for the month of January.

I have been instructed to make the following statement in connection with the draft resolution we are about to adopt.

The serious violations of international humanitarian law which have been taking place in the territory of the former Yugoslavia have outraged the conscience of humanity. It is with deep sorrow and concern that the Brazilian Government, and Brazilian society at large, have received the repeated news of unspeakable atrocities committed within the context of this senseless conflict on European soil, which must be brought to an end.

The information gathered by the Commission of Experts established pursuant to Security Council resolution 780 (1992) and by the Special Rapporteur of the Commission on Human Rights have provided substantial evidence of grave breaches of humanitarian law being committed on a massive scale and in a systematic fashion. These include reports of mass killings, torture, rape and the unacceptable practices that are referred to by the equally unacceptable expression "ethnic cleansing".

The international community cannot allow this to continue or to go unpunished. These grave breaches of the most elementary norms of humanity must be treated as what in fact they are: criminal acts, crimes against women and children and other defenceless victims, but also, in the most proper sense of the expression, crimes against humanity. A cry for justice breaks from every heart, and that cry cannot go unheeded.

(Mr. de Araujo Castro, Brazil)

Brazil favours strong action to ensure the full ascertainment of the truth about each of the cases of war crimes and crimes against humanity committed in the territory of the former Yugoslavia. Convinced that effective prosecution and punishment of the perpetrators of these crimes is a matter of high moral duty, Brazil supports the establishment of an international criminal tribunal to bring to justice the individuals found to be responsible for such abominable acts. It is in that spirit that we will vote in favour of the draft resolution before the Security Council.

We will support, and we stand ready to contribute to, the work to be carried out by the Secretary-General in elaborating specific proposals and options for the implementation of the decision to be taken today.

(Mr. de Araujo Castro, Brazil)

It is of particular importance that the international tribunal to be established rest on a solid legal foundation, which will ensure the effectiveness of its actions. To that end, we believe that in dealing with many of the issues at hand, it should prove useful to draw on the studies and discussions that over the years have been undertaken within the United Nations on the exceedingly complex legal question of an international criminal jurisdiction.

As regards the definition of the best method for the establishment of an ad hoc international criminal tribunal, it should be borne in mind that the authority of the Security Council is not self-constituted but originates from a delegation of powers by the whole membership of the Organization. It is never too much to recall that the Security Council, in the exercise of its responsibilities, acts on behalf of the States Members of the United Nations, in accordance with Article 24, paragraph 1, of the Charter.

Just as the authority of the Council does not spring from the Council itself but derives from the fact that certain responsibilities have been conferred upon it by all the Members of the United Nations, the powers of the Council cannot be created, recreated or reinterpreted creatively by decisions of the Council itself, but must be based invariably on specific Charter provisions.

It is precisely because the Council exercises a delegated responsibility in a field as politically sensitive as the maintenance of international peace and security that the task of interpreting its competences calls for extreme caution, in particular when invoking language of Chapter VII of the Charter. Especially when the Council is being increasingly called upon to fully exercise the considerable powers entrusted to it, the definition of such

(Mr. de Araujo Castro, Brazil)

powers must be construed strictly on the basis of the text of the relevant Charter provisions. To go beyond that would be legally inconsistent and politically unwise.

The Security Council can and should play a strong and positive role in promoting the implementation of the various elements that would contribute to the peace efforts developed by the Conference on the Former Yugoslavia. That role, however, can and should remain within the scope of the powers expressly granted to the Security Council in accordance with the United Nations Charter.

In this rapidly changing world, we consider it increasingly important to promote the rule of law in international relations by acting to ensure strict respect for the provisions of our Charter and other norms of international law.

The PRESIDENT (interpretation from French): I thank the representative of Brazil for the kind words he addressed to me.

Mr. CHEN Jian (China) (interpretation from Chinese): The Chinese delegation supports the thrust of the draft resolution before us and will therefore vote in favour.

Based on our understanding of the nature of the draft resolution before us, I should like to reiterate for the record that its expected adoption and my delegation's participation in it do not prejudge China's position on future Security Council actions on the subject.

The PRESIDENT (interpretation from French): I shall now put to the vote the draft resolution contained in document S/25314.

A vote was taken by show of hands.

In favour: Brazil, Cape Verde, China, Djibouti, France, Hungary, Japan, Morocco, New Zealand, Pakistan, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela

The PRESIDENT (interpretation from French): There were 15 votes in favour. The draft resolution has therefore been adopted unanimously as resolution 808 (1993).

I shall now call on those members who wish to make statements following the voting.

Mr. MERIMEE (France) (interpretation from French): When the first news and accounts of the atrocities committed on the territory of the former Yugoslavia began to come in, the collective memory of our peoples had to relive the horror of times we had thought long past.

But there are lessons to be learned from history. Conditions have changed since the Second World War. The United Nations now has the responsibility of maintaining and restoring international peace and security. Indeed, through the Security Council, the United Nations has firmly committed itself to this cause in the former Yugoslavia since the adoption on 25 September 1991 of resolution 713 (1991).

The atrocities committed by all sides in the Yugoslav crisis have given rise to an intolerable situation which is fanning the flames of conflict and therefore constitutes a threat to international peace and security.

Prosecuting the guilty is necessary if we are to do justice to the victims and to the international community. Prosecuting the guilty will also send a clear message to those who continue to commit these crimes that they will be held responsible for their acts. And finally, prosecuting the guilty is, for the United Nations and particularly for the Security Council, a matter of doing their duty to maintain and restore peace.

It is with these considerations in mind that the French Minister for Foreign Affairs asked a group of jurists to draw up a report on setting up an

(Mr. Mérimée, France)

international criminal tribunal that could prosecute persons responsible for the serious violations of international humanitarian law that have been committed in the territory of the former Yugoslavia since the beginning of that State's process of dissolution. The report, which contains specific proposals for the establishment of such a tribunal, was concluded in record time - three weeks. It was made public by the French authorities and published as a Security Council document. The report concludes in particular that the creation of an international tribunal for the former Yugoslavia could be decided on by the Security Council within the framework of its powers under Chapter VII of the Charter to maintain or restore international peace and security.

France has endorsed this conclusion and has taken the initiative of proposing to the Security Council a draft resolution for its implementation.

By adopting unanimously resolution 808 (1993) in pursuance of this initiative, the Security Council has just taken a decision of major significance. For the first time in history, the United Nations will be setting up an international criminal jurisdiction - one that will be competent to try those who have committed serious violations of international humanitarian law in the territory of the former Yugoslavia. We already know from the interim report of the Commission of Experts established pursuant to Security Council resolution 780 (1992) and through the considerable evidence that has come in that these atrocities take many forms, from the systematic rape of women to the sinister practice of "ethnic cleansing" and wholesale massacres, and that they are committed in many parts of the territory of the former Yugoslavia. The Security Council has today taken the solemn decision that it will not allow these crimes to go unpunished and will not countenance their continuation.

(Mr. Mérimée, France)

The tribunal that we have just decided to create should be established as soon as possible. It should be set up through a further decision of the Security Council under the provisions of Chapter VII, which establishes its competence in the maintenance and restoration of international peace and security.

(Mr. Mérimée, France)

In that respect, we expect from the Secretary-General some concrete proposals of a practical nature that will allow our Council to respond to the urgency of the situation facing us. The results of all the efforts and contributions made by France and other countries and in other forums will be available to him. We have every confidence that Mr. Boutros-Ghali and his colleagues will succeed in this task, which is of such far-reaching significance.

We trust that the Security Council will then act with the authority and unanimity that it has just strikingly displayed in adopting resolution 808 (1993) in order to impose respect for the law.

Ms. ALBRIGHT (United States of America): There is an echo in this Chamber today. The Nuremberg Principles have been reaffirmed. We have preserved the long-neglected compact made by the community of civilized nations 48 years ago in San Francisco to create the United Nations and enforce the Nuremberg Principles.

The lesson that we are all accountable to international law may have finally taken hold in our collective memory. This will be no victor's tribunal. The only victor that will prevail in this endeavour is the truth. Unlike the world of the 1940s, international humanitarian law today is impressively codified, well understood, agreed upon and enforceable. The debates over the state of international law that so encumbered the Nuremberg Trials will not burden this tribunal.

The United States strongly supports the Council's adoption of today's historic resolution, which takes the first step in establishing an ad hoc tribunal to prosecute persons accused of war crimes and other serious violations of international humanitarian law in the territory of the former

(Ms. Albright, United States)

Yugoslavia. Virtually all of the parties that have examined this issue, including the General Assembly, the Co-Chairmen of the International Conference on the Former Yugoslavia and the Commission of Experts established by Security Council resolution 780 (1992) have urged the creation of such a tribunal.

President Bill Clinton has long supported the establishment of a war-crimes tribunal at the United Nations to bring justice and deter further atrocities in the former Yugoslavia. Just 12 days ago, Secretary of State Warren Christopher, speaking on the President's behalf, explained why the United States believes that this and other actions are urgently required. As the Secretary said:

> "We cannot ignore the human toll. Serbian ethnic cleansing has been pursued through mass murders; systematic beatings and the rapes of Muslims and others; prolonged shellings of innocents in Sarajevo and elsewhere; forced displacement of entire villages; inhumane treatment of prisoners in the detention camps; and the blockading of relief to the sick and starving civilians. Atrocities have been committed by other parties as well. Our conscience revolts at the idea of passively accepting such brutality".

The Secretary also explained that there is another reason for urgent action now:

> "There is a broader imperative here. The world's response to the violence in the former Yugoslavia is an early and concrete test of how we will address the concerns of the ethnic and religious minorities in the post-cold-war period".

I quote from the Secretary again:

(Ms. Albright, United States)

"The events in the former Yugoslavia raise the questions of whether a State may address the rights of its minorities by eradicating those minorities to achieve ethnic purity. Bold tyrants and fearful minorities are watching to see whether ethnic cleansing is a policy the world will tolerate. If we hope to promote the spread of freedom, or if we hope to encourage the emergence of peaceful, multi-ethnic democracies, our answers must be a resounding 'no'".

The United States has so far submitted five reports to the Council pursuant to Security Council resolution 771 (1992), which contains substantiated information about the atrocities that have taken place in the former Yugoslavia. The Council's action today begins the process of establishing a war-crimes tribunal. We look forward to working with the Secretary-General to accomplish expeditiously his task of providing the Council with options for the statute and rules of procedure of such a tribunal.

Once the Secretary-General's report is received, we, along with the other members, will act quickly within the Council to establish a tribunal under Chapter VII. We will also, in cooperation with the United Nations, exert every effort to ensure that those individuals involved in these outrageous, heinous crimes are identified and held accountable for their actions, which so affront the world's collective conscience.

It is worthwhile recalling that the Nuremberg Principles on war crimes, crimes against the peace, and crimes against humanity were adopted by the General Assembly in 1948. By its action today, with resolution 808 (1993) the Security Council has shown that the will of this Organization can be exercised, even if it has taken nearly half a century for the wisdom of our

(Ms. Albright, United States)

earliest principles to take hold. I hope that it will not take another half century to achieve the peace and security that will render the hideous crimes we suspect have been committed strictly historical phenomena.

Mr. RICHARDSON (United Kingdom of Great Britain and Northern Ireland): We have been receiving for many months now continued reports of massive breaches of international humanitarian law and human rights in Bosnia. I want to mention in particular the abuse of women, the deliberate obstruction of humanitarian relief convoys, the forcible movements of population, the forcible surrender of property and the deliberate targeting of civilian populations.

There has been an outburst of anger at these shocking developments. All parties share responsibility for these breaches. We believe that the Serbs have been most culpable in these hideous practices, but we also believe that all such actions must be condemned; they must be investigated; and the perpetrators must be called to account, whoever is responsible, throughout the territory of the former Yugoslavia. Those who have perpetrated these shocking breaches of international humanitarian law should be left in no doubt that they will be held individually responsible for their actions.

We think it is vital that an international legal mechanism be established to bring those accused of war crimes, from whatever party to the conflict, to justice. Whatever mechanism is proposed to give effect to this resolution should reflect this and should have jurisdiction over all of the parties. We welcome the valuable work on possible mechanisms by the French and Italian legal experts and by Ambassador Corell and his colleagues of the Conference on Security and Co-operation in Europe. This work is a valuable contribution to

(Mr. Richardson, United Kingdom)

the study by the Secretary-General, which we have requested in the resolution we have just adopted, of the most effective and feasible way of establishing a tribunal or a court.

The Secretary-General's task will not be easy. The Commission of Experts' interim report notes the difficulties of identifying the perpetrators of these crimes. It is vital that whatever court or tribunal is established be provided with the necessary evidence. The Commission must therefore be given adequate resources to continue its work, and the Secretary-General will need to take account of legal difficulties such as those I have mentioned in examining the options to put to this Council.

The court is, of course, an ad hoc legal framework to deal with war crimes committed only in the territory of the former Yugoslavia. In the longer term, we shall continue to support the study by the International Law Commission towards an international criminal court with general jurisdiction. We hope that the Secretary-General will be able to carry out his examination of the options for establishing a court as quickly as possible, consistent of course with a thorough examination of the many problems that the reports so far submitted have already identified. We look forward to his report to the Council in the near future and we recognize, of course, that a further resolution by this Council will be necessary once we have received the Secretary-General's report.

Mr. VORONTSOV (Russian Federation) (interpretation from Russian): Russia has pursued an unwavering course of putting an end to war crimes and cannot remain indifferent to the flagrant mass violations of international humanitarian law in the territory of the former Yugoslavia. Murder, rape and "ethnic cleansing" must cease immediately, and the guilty - whatever their affiliation - must be duly punished.

We believe that the Security Council's adoption of a resolution deciding that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia reflects the international community's will to exert its influence on all parties to the conflict in order to accelerate the peace process. The legal basis, status, composition and powers of the international tribunal and the modalities for its establishment and functioning will, as provided by the resolution, be decided by the Council subsequently, on the basis of a report on the subject by the Secretary-General. But even today the resolution should serve the purpose of bringing to their senses those who are ready to sacrifice for the sake of their political ambitions the lives and dignity of hundreds and thousands of totally innocent people.

Nor should we forget that violations of international humanitarian law are also taking place in the course of other armed conflicts. We believe that the Council's adoption of today's resolution will also serve as a serious warning to those guilty of mass crimes and flagrant violations of human rights in other parts of the world.

Mr. ARRIA (Venezuela) (interpretation from Spanish): When the Nuremberg war-crimes tribunal began its work on 18 October 1945, Judge Robert H. Jackson said that:

"This first trial of crimes against world peace places a very heavy responsibility upon us. The crimes we intend to condemn and punish were so deliberate and so devastating that our civilization cannot allow them to be ignored, for mankind could not survive a repetition of such crimes."

Not quite 48 years after the beginning of the Nuremberg trial, the world is horrified to see that organized barbarism - which, it was thought, was possible only in that age and could never be repeated - has come again, this time before the eyes of all mankind. And unlike the experience of the past, no one can escape his responsibility by claiming ignorance of the atrocities.

The policies of scorched earth, of what was initially called "ethnic cleansing" and today can more accurately be called "ethnic extermination", of concentration camps and of torture carried out by the Serb militias, who resort even to the savage policy of raping women as a technique of war, have attained sinister levels previously unthinkable to mankind. The authoritative testimony given by Mr. Cornelio Sommaruga, President of the International Committee of the Red Cross (ICRC), and by Mr. David Andrews, former Foreign Minister of Ireland, on behalf of the European Community, among other equally qualified persons, leads to the clear conclusion that the rapes and other crimes have become an instrument of war, not a consequence of war.

Many organizations such as ICRC and the European Community have issued unequivocal statements on all the atrocities that have been and continue to be committed. Sarajevo remains a city under siege; the siege has lasted 10 terrible months; the cemetery cannot hold all the dead, and it is now

(Mr. Arria, Venezuela)

necessary to bury them in the sports stadium. The survivors bury their dead without ceremony.

Medical centres are the scene of daily horrors: the horror of individual tragedies and the horror of the collective tragedy of having no way and no materials to help the victims of these systematic killings.

In that connection, former United States Secretary of State Lawrence Eagleburger himself has suggested to world public opinion the names of the most prominent candidates for trial by the future war-crimes tribunal.

Venezuela believes that the resolution we have just adopted is consistent with the principles and the plan of action agreed to by all parties concerned in the context of the International Conference on the Former Yugoslavia and that it is also consistent with the provisions of Article 41 of the Charter. My delegation congratulates the Government of France on its initiative in submitting to the Council the draft resolution adopted today.

We eagerly await the specific recommendations the Secretary-General will present to the Council, with a view to activating the machinery. If the purpose of that machinery is to be fully achieved, there must also be very substantial support for the Commission of Experts established by the Council, so that the Commission may complete its work of laying the foundations for the process to be advanced by the war-crimes tribunal.

Mr. ERDOS (Hungary) (interpretation from French): One of the most tragic, grim and alarming aspects of the bloody conflict in the former Yugoslavia is the planned and systematic mass violation of the most elementary norms of international humanitarian law. Since the end of the Second World War, Europe has not known such terrible upheavals or human-rights violations of such magnitude and such cruelty.

(Mr. Erdös, Hungary)

It is the view of world public opinion that efforts to bring to justice those responsible for these crimes must be an integral part of a broad endeavour to achieve a just and lasting settlement of the entire conflict that is now savaging the former Yugoslavia.

As in 1945, the conscience of Europe and the world cannot allow those who have ordered and committed violations of international humanitarian law - and who cynically and blindly continue to do so - to escape justice.

The way the international community deals with questions relating to the events in the former Yugoslavia will leave a profound mark on the future of that part of Europe, and beyond. It will make either easier or more painful, or even impossible, the healing of the psychological wounds the conflict has inflicted upon peoples who for centuries have lived together in harmony and good-neighbourliness, regardless of what we may hear today from certain parties to the conflict. We cannot forget that the peoples, the ethnic communities and the national minorities of Central and Eastern Europe are watching us and following our work with close attention.

The results of our activities, whether positive or negative, our successes or our failures within the United Nations and the Security Council, will inevitably have repercussions and direct effects upon that entire part of the world and, I am convinced, elsewhere too.

(Mr. Erdös, Hungary)

We consider that the Security Council's decision of last October to set up a Commission of Experts charged with studying and analysing information on the grave violations of international humanitarian law in the former Yugoslavia is of great importance. Information and reports from various sources confirm and strengthen our conviction that the gravity and massive nature of these violations constitute a threat to international peace and security. Consequently, there should be no doubt about the competence of the Security Council to deal with this matter. Resolution 808 (1993) contains a clear and unequivocal political message for those who are responsible and who are committing almost-unimaginable crimes.

Hungary is ready, when the time comes, to embark on the second stage of our work, which will be the report of the Secretary-General containing concrete proposals and options for the implementation of the resolution that the Council has solemnly adopted today.

Mr. YAÑEZ-BARNUEVO (Spain) (interpretation from Spanish): The Council has recently taken decisions of great import, but few deserve to be called "historic" as much as the resolution we have just adopted. Indeed, as the provisional report of the Commission of Experts established by Security Council resolution 780 (1992) clearly states, this is the first time the Security Council has decided to establish a tribunal to try those deemed responsible for grave violations of international humanitarian law perpetrated in an armed conflict - in this instance, the grave acts committed in the territory of the former Yugoslavia. In that provisional report, the Commission concludes that grave offences and other violations of international humanitarian law have been committed, including murder, "ethnic cleansing", mass killings, torture, rape, looting and destruction of civilian property, destruction of cultural and religious property and arbitrary detention.

(Mr. Yañez-Barnuevo, Spain)

We understand that some may harbour certain doubts about the competence of the Council to take this step, for it is a novel one. However, we do not share those doubts. We understand that this is a limited and precise action with the clear objective of restoring peace, which is perfectly in keeping with the competence of the Council. In fact, the Council is not attempting to establish any new jurisdictional or legislative framework of a permanent nature. It is not setting itself up as a permanent judge or legislator. It is only attempting to create an ad hoc mechanism that, by applying existing laws, will assign responsibility for acts committed in an ongoing conflict that has already been seen to threaten and undermine peace; a mechanism that contributes, by means of recourse to justice and punishment of the guilty, to restoring the peace and ensuring its maintenance, so as to deter the repetition of similar acts in the future.

For these reasons, the States members of the European Community have on various occasions declared themselves to be in favour of the establishment of an international criminal tribunal for the prosecution of those engaged in such grave misconduct.

Spain would have preferred the establishment of a criminal tribunal with universal jurisdiction, but it recognizes that to create one would have required more time than is now at our disposal if we wish to contribute to the early restoration of peace in the former Yugoslavia. Nevertheless, we are confident that this is the first step towards the future creation of an international, universal, permanent criminal jurisdiction, and we shall continue to support and promote the efforts towards this end now being made in other forums within this Organization.

(Mr. Yañez-Barnuevo, Spain)

While we are aware of the need to act swiftly in order that the establishment of an international criminal tribunal on the former Yugoslavia fulfils its dual objective of meting out justice and discouraging such grave violations in the future, we believe that this undertaking is so important and so sensitive that it is necessary to ensure the maximum respect for legal rigour in its functioning. We therefore fully support a two-stage process, such as the one we are initiating today, in which, following the adoption of a decision in principle, a thorough, detailed study is conducted so that the institution established will live up to the expectations of the international community and will meet all the requirements of full respect for international law. It is imperative that norms relating to human rights be respected, in particular the rights of defence. It is also essential to resolve difficult questions such as the nature of the sentences to be imposed, the places they are to be served, the statutes of the organs entrusted with the investigation and the indictment, the possibility of appealing the decisions of the tribunal and other questions of no less importance.

From the foregoing, it is clear that there is a tremendous amount of work to be done. We have no doubt that the Secretary-General, to whom we entrust this enormous task, will carry it out with his characteristic speed and effectiveness. In so doing he will have at his disposal some excellent studies that have already been done - and here I wish to mention those prepared by expert jurists from France and Italy and by an ad hoc Committee of the Conference on Security and Cooperation in Europe, which have already been distributed as Security Council documents - and the full cooperation, I have no doubt, of all the States Members of the United Nations and those bodies competent in the field of international law that the Secretary-General deems it appropriate to consult. From this moment we shall await with great

(Mr. Yañez-Barnuevo, Spain)

interest the result of his labours, with its concrete proposals for the Council regarding the organization, operation and other points pertaining to the smooth functioning of the tribunal.

We have stated that the establishment of the tribunal will contribute, in our view, to the restoration and maintenance of peace in accordance with the principles of justice and international law. At the same time, we wish to recall that it is not an attempt to supplant the bold efforts currently under way for the achievement of a just and lasting political agreement. Genuine peace must be founded on justice and, at the same time, a dialogue that ensures that the parties involved agree to the terms of any solution to the underlying problems of the former Yugoslavia.

(Mr. Yañez-Barnuevo, Spain)

For all those reasons we encourage the two Co-Chairmen of the Steering Committee of the International Conference to continue their efforts to bring about agreement between all the parties to the conflict. We pledge our full cooperation to that end. Crimes such as those committed in the territory of the former Yugoslavia should never remain unpunished. By its decision today, the Security Council has made that crystal clear. All those responsible for such acts are therefore warned of the international community's resolve.

Mr. O'BRIEN (New Zealand): It is indeed a momentous decision that the Council has taken this morning. We owe a great deal, Mr. President, to your skill and purpose in getting the resolution adopted. Our decision has not been taken lightly. No one can deny the enormity of the crimes, of which previous speakers have spoken very eloquently. No one can deny the deep significance of the issues that must guide the Council in its follow-up to its decision today.

New Zealand has long supported the principle of international criminal jurisdiction. Therefore, we stand ready with others to offer a contribution to the Secretary-General's upcoming important work on the basis of which the Council will take a decision about the further vital matter of the actual tribunal machinery for the territory of the former Republic of Yugoslavia. We believe that it is absolutely essential that the Council, having taken this significant decision today, proceed with purpose and resolve to translate the decision into practical and effective results on the basis of the Secretary-General's proposal; in our opinion, the momentum must not be allowed to diminish.

The PRESIDENT (interpretation from French): I shall now make a statement in my capacity as representative of my country.

My country has just participated responsibly and following its conscience in the adoption of the resolution, which confirms the will of the Security Council not to allow to go unpunished all the horrible crimes in Bosnia and Herzegovina that we have been hearing about for several months. Not content with carrying out a disgraceful genocide, the Serbs have systematically perpetrated a whole range of atrocities, torture and violence, all of them totally inadmissible, acts and practices that we had thought belonged to a bygone age.

In establishing the principle of a war crimes tribunal, the Council is responding to the unanimous wish of the international community, which for almost two years has been deploring and condemning the acts in question and strongly calling for punishment and action.

The step we have taken is serious. Until yesterday the crimes continued unabated. Today the criminals know they will be pursued and punished. This warning is important with regard to those who have respected no moral values; it will surely deter those who are afraid only of force. Let us hope that our action will be followed by deterrent steps. Perhaps it will then finally be understood in the former Yugoslavia that resolutions are passed to be respected and that human life is to be safeguarded and protected.

I hardly need repeat our congratulations to the French delegation on its valuable contribution to the establishment of peace and harmony. I hope that the historic action we have just taken will mark the beginning of a return to wisdom in a region that has suffered too much death and upheaval.

I now resume my functions as President.

(The President)

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on the agenda. The Security Council will remain seized of the matter.

The meeting rose at 12.55 p.m.